

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Donna Noe v City of Detroit**

Docket No. **278727**

L.C. No. **06-612135-NO**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to strike is GRANTED TO THE EXTENT that Exhibit 9 of appellant's brief is STRICKEN. The exhibit is stricken because it is an impermissible expansion of the record on appeal. An exhibit that was not filed in the trial court and available to the trial court for its decision is not part of the record and cannot be considered on appeal. See MCR 7.210(A)(1) and *Coburn v Coburn*, 230 Mich App 118, 122-123; 583 NW2d 490 (1998), rev'd on other grounds, 459 Mich 874, 875 (1998). The Clerk is directed to remove Exhibit 9 from appellant's brief and replace it with a copy of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

March 5, 2008  
Date

*Sandra Schultz Mengel*  
Chief Clerk